

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, *ex rel.*  
JAMES F. ALLEN,

Relator – Plaintiff,

v.

ALERE HOME MONITORING, INC.;  
ROCHE HEALTH SOLUTIONS, INC.;  
ADVANCED CARDIO SERVICES;  
CARDIOLINK CORP.; MDINR, LLC;  
PATIENT HOME MONITORING, INC.;  
TAMBRA INVESTMENTS, INC. d/b/a  
REAL TIME DIAGNOSTICS; and  
US HEALTHCARE SUPPLY, LLC,

Defendants.

Civil Action No. 1:16-CV-11372-PBS

**[PROPOSED] JUDGMENT PURSUANT TO FED. R. CIV. P. 54(b)**

The Court, upon considering the Assented-to Motion for Entry of Separate and Final Judgment Pursuant to Rule 54(b) and the supporting Memorandum of Law (D.E. 175, 176) filed by Defendant Patient Home Monitoring, Inc. ("PHM"), hereby grants the motion, makes the following findings, and enters FINAL JUDGMENT in favor of PHM as follows:

1. The Court has dismissed all claims asserted against PHM in this case;
2. Relator's allegations against PHM are entirely separate from and independent of the claims against the other Defendants, as they are based upon allegations related to PHM's business records and business communications. Entry of a judgment dismissing the claims against PHM will have no bearing on the remaining claims against other Defendants in this case;
3. There is no just reason for delaying the entry of final judgment on Relator's claims against defendant PHM. Entry of judgment will enable PHM to obtain the finality to

which it is entitled following dismissal of Relator's claims, and remove the cloud of uncertainty over its business, which is beneficial for both PHM and patients, to the extent it facilitates access to care; and

4. Accordingly, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court hereby enters FINAL JUDGMENT in favor of PHM and against Relator as to all claims brought by Relator, on behalf of the United States, against PHM in this action.

Dated: 10/2/18

  
**HONORABLE PATTI B. SARIS**  
Chief United States District Judge